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SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 April 2000 at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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GE.00-13288 (E)

The meeting was called to order at 3.10 p.m.

ORGANIZATION OF WORK (agenda item 3) (continued)

1. Mr. DENNIS (United States of America) pointed out that a representative of the Federal Republic of Yugoslavia had on several occasions occupied the seat behind the nameplate for Yugoslavia, in violation of Security Council resolution 777 (1992), and asked the Chairperson to intervene.

2. The CHAIRPERSON recalled that rule 41 of the rules of procedure of the functional committees of the Economic and Social Council gave him complete control to direct the discussions and maintain order. In accordance with General Assembly resolution 47/1 of 22 September 1992, the Federal Republic of Yugoslavia (Serbia and Montenegro) could no longer participate in the work of the General Assembly or in the meetings convened by it or by its subsidiary bodies. The Chairperson therefore asked the representatives of the Federal Republic of Yugoslavia no longer to occupy the seat set aside for Yugoslavia.

CONSIDERATION OF THE DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEM 9 (continued) (E/CN.4/2000/L.31, L.33, L.34, L.35, L.36 and L.52)

Draft resolution E/CN.4/2000/L.31 (Cooperation with representatives of United Nations human rights bodies)

3. Mr. LAKATOS (Hungary), introducing the draft resolution on behalf of its sponsors, said that in it the Commission reiterated its concern at the continued reports of intimidation against private individuals cooperating with the United Nations and its human rights bodies (first preambular paragraph), urged governments to refrain from all acts of intimidation or reprisal (para. 1) and requested all representatives of human rights bodies and treaty bodies to continue to take urgent steps to help prevent the hampering of access to United Nations human rights procedures (para. 2). In paragraph 6, the Commission invited the Secretary-General to submit to the Commission a compilation of available information on reprisals against the persons referred to in paragraph 1. The Hungarian delegation expressed the hope that, as in the past, the draft resolution would be adopted without a vote.

4. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that the Republic of Korea, Paraguay, Luxembourg, Liechtenstein, Israel, Albania, Cameroon and Colombia had joined the draft resolution's sponsors.

5. Mr. ZIVKOVIC (Secretariat) pointed out that the draft resolution had no financial implications.

6. Draft resolution E/CN.4/2000/L.31 was adopted without a vote.

Draft resolution E/CN.4/2000/L.33 (Situation of human rights in Myanmar)

7. Mr. MENDONÇA E MOURA (Portugal), introducing the draft on behalf of the European Union and all the other sponsors, said that the Special Rapporteur on the human rights

situation in Myanmar, in his report to the Commission (E/CN.4/2000/38), had concluded that no concrete progress had been made in connection with the general human rights situation in Myanmar. On the contrary, civil and political rights continued to be repressed, ethnic and religious minorities oppressed and political opponents persecuted. The situation was compounded by widespread abject poverty and high child mortality and malnutrition rates. The draft resolution therefore emphasized that situation and the ensuing concerns. It nevertheless welcomed certain new positive elements, such as the resumption of cooperation with the International Committee of the Red Cross, the constructive dialogue between the Committee on the Elimination of Discrimination against Women and the Government of Myanmar and the visit in October 1999 of the Special Envoy of the Secretary-General. It was nevertheless regrettable that the Government of Myanmar had still not given permission for the Special Rapporteur appointed by the Commission to visit the country, and the resolution therefore invited the Government to cooperate fully, and without further delay, with all United Nations representatives, and in particular with the Special Rapporteur (para. 8).

8. The representative of Portugal, speaking on behalf of the sponsors, added that the text had been modified. In preambular paragraph 9, the phrase "and also of the recommendation of the Governing Body of the International Labour Organization that the 88th session of the International Labour Conference (May-June 2000) adopt such measures as it may deem wise and expedient to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29)" had been replaced by "and also of the recommendation of the Governing Body of the International Labour Organization Governing Body's recommendation of 27 March 2000", and the words "except for the purpose of implementing those recommendations" had been inserted at the end of paragraph 5 (d).

9. The sponsors hoped that the draft resolution would, as in the past, be adopted without a vote.

10. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that Turkey, New Zealand and Israel had joined the draft resolution's sponsors.

11. Mr. MYA THAN (Observer for Myanmar) expressed his great disappointment with the text presented, which he had hoped would be more balanced and objective. Not only did the draft have all the defects of the resolution adopted in 1999; in addition, it prejudged the outcome of certain issues.

12. All the allegations made in the resolution had already been refuted in the Memorandum concerning the human rights situation in Myanmar (E/CN.4/2000/137), distributed by the Government of Myanmar. He gave as an example the issue of "forced labour" mentioned in the draft. The practice of forced labour was non-existent in Myanmar and was prohibited by tradition and law. Indeed, the Government had issued orders suspending the relevant sections of the Village Act and the Towns Act. In addition, the Government had demonstrated its willingness to cooperate by inviting the International Labour Organization to send a technical

team to Myanmar. Lastly, the fact that the draft resolution noted the recommendations on forced labour made by the Governing Body of the International Labour Organization, which had not yet been adopted, prejudged the outcome of the deliberations of the 88th session of the International Labour Conference.

13. In addition, the draft resolution turned a blind eye to the undeniable and concrete results obtained by the Government of Myanmar, namely the prevalence of peace throughout the country, the restoration of national unity, and the achievement of significant economic progress accompanied by an improvement in the people's living standards. The resolution's sponsors affirmed without rhyme or reason that the National Convention was not in a position to further the restoration of democracy and national reconciliation. The National Convention was a truly representative body made up of representatives from various legal political parties, national groups and all strata of society. It had taken progressive measures to secure the establishment of a modern, peaceful and democratic State, for example by drawing up a new Constitution.

14. In short, the draft resolution was factually incorrect and politically motivated, and it aimed to tarnish the image of Myanmar. The delegation for Myanmar therefore deemed it unacceptable and rejected it in its entirety.

15. Mr. HARAGUCHI (Japan) shared the view of the international community that the Government of Myanmar should be further encouraged to improve the human rights situation in that country. The government should in particular authorize the Special Rapporteur to visit Myanmar so that he could get a clear picture of actual conditions. On the other hand, Japan had observed that Myanmar had made some progress, albeit minor, in terms of human rights and that it would be unwise, in its opinion, to dismiss it. He expressed satisfaction that the draft as amended by Portugal did not discuss in detail the issues being deliberated by the International Labour Organization, as it would not be appropriate to speculate on the final decision.

16. The representative of Japan drew the Commission's attention to the fact that operative paragraph 4 referred to the considerable assistance provided by the Government of Thailand to refugees from Myanmar. In his opinion, the efforts of the Government of Bangladesh should also be applauded, as Bangladesh had also taken in many refugees.

17. Mr. CHOWDHURY (Bangladesh) recalled that Bangladesh had given refuge to over 260,000 Rohingya refugees from Myanmar, in spite of the limited resources available to it, for over 10 years. He expressed gratitude in that connection to the countries that had supported Bangladesh's efforts and to UNHCR. Bangladesh did not seek praise for what it had done; it simply wished its efforts to be recognized alongside those of other countries. It therefore wished to be mentioned like other countries in paragraph 4 of the draft resolution. The delegation for Bangladesh was grateful to the Japanese delegation for having made that proposal. However, so as not to hold up the work of the Commission any longer, it would not insist on its request being met but expressed the hope that it would be taken account of in the future.

18. Mr. ZIVKOVIC (Secretariat), presenting the draft's financial implications in accordance with rule 28 of the rules of procedure of the functional committees of the Economic and Social Council, indicated that an amount of US$ 36,100 had been set aside in the programme budget for

the 2000-2001 biennium to cover the costs arising from the renewal of the Special Rapporteur's mandate under paragraph 10 of the draft resolution, i.e. two trips to Geneva, one trip to New York, one field mission and the temporary assistance of one Secretariat staff member.

19. Mr. AKRAM (Pakistan) shared the consensus that was apparently forming on draft resolution E/CN.4/2000/L.33. The Pakistani delegation nevertheless wished to specify that it had reservations about the reference made in the ninth preambular paragraph of the draft to the recommendation of the Governing Body of the International Labour Organization, since Pakistan had not endorsed that recommendation.

20. Draft resolution E/CN.4/2000/L.33, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.34 (Situation of human rights in Sierra Leone)

21. Mr. NORFOLK (Canada), introducing the draft resolution, said that since the previous session of the Commission, a government of national unity had been formed in Sierra Leone following the signing of the Lomé Peace Agreement in July 1999. In addition, Security Council decision 1270 (1999) had established a United Nations mission in Sierra Leone to report on violations of human rights in the country and to assist the Government in addressing the country's human rights needs. Further atrocities had nevertheless been committed against civilians, in particular by the rebel groups that continued to operate in many parts of the country. The draft resolution reflected those developments and concerns and set out priority areas for action by the Government of Sierra Leone and for the assistance of the international community, in particular for the establishment of the Truth and Reconciliation and Human Rights Commissions. The High Commissioner for Human Rights was requested to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the situation in Sierra Leone, referring in particular to the reports from the United Nations mission in Sierra Leone.

22. The Canadian delegation pointed out that, after discussion with the Government of Sierra Leone, the sponsors had decided to replace paragraph 4 in the draft with the following text: "Deplores the ongoing atrocities committed by the rebels, including murders, rapes, abductions and detentions, calls for an end to all such acts; and also calls for the cessation of the recruitment and use of children as soldiers, contrary to international law, and of all attacks on civilians;". Paragraph 5 (b) had also been amended, as follows: "To respect human rights and international humanitarian law, including the human rights and welfare of women and children;".

23. The Canadian delegation considered that the draft resolution, which had been the object of widespread discussion, was a balanced and constructive text that the Commission should be able to adopt by consensus.

24. Mrs. IZE-CHARRIN (Secretariat of the Commission) announced that Switzerland, Japan, Lithuania, Poland, Ireland, Luxembourg, Sweden, Austria, Belgium, Latvia, Germany, Israel, Finland and Albania had joined the draft resolution's sponsors.

25. Mr. ZIVKOVIC (Secretariat) stated that the draft resolution under consideration would have no financial implications.

26. Draft resolution E/CN.4/2000/L.34, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.35 (Situation of human rights in Cuba)

27. Mr. PALOUS (Czech Republic), introducing the draft resolution, said that his Government wanted to contribute to a real dialogue on the situation of human rights, recognizing the differences that could exist between countries and transforming them into an instrument of cooperation. It was nevertheless generally recognized that the situation of human rights had not improved in Cuba during the previous year. According to *Pax Christi* (Netherlands), intimidation, harassment, short-term arrests and long-term sentences had not decreased in 1999. For example, Dr. Oscar Biscet, who opposed the death penalty and forced abortion, had been arrested on numerous occasions, could no longer work in the Cuban national health system and had been evicted from his home. He had been beaten, threatened, subjected to blackmail and arbitrary incarceration and recently sentenced to three years in prison. Many other peaceful activists had shared the same fate and were being held in inhumane conditions. The draft resolution met the concerns not only of governments, but also of Cuban dissidents and numerous non-governmental organizations.

28. The Czech Republic was opposed to unilateral economic sanctions, as they led to isolation. Equally, it believed that political pluralism and economic prosperity went hand-in-hand. It backed the many States that wished to engage Cuba in dialogue and to alleviate the economic difficulties faced by its people. Human rights defenders in Eastern and Central Europe had sent Cuban dissidents an open letter in which they emphasized how precious freedom was, recalled the ecstatic moments when the communist dictatorship had come to an end and stated that they were ready to share with the Cubans what they had learnt. They were thus expressing the position not only of the Czech Republic but also of all Eastern and Central European countries which had experienced totalitarianism and many of which were sponsors of the draft resolution. The Czech delegation was firmly convinced that the text of the draft resolution was balanced and invited all the members of the Commission to support it as well.

29. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that Lithuania, the Netherlands, Israel, Slovakia, Bulgaria, Japan, Iceland and Slovenia had become sponsors of the draft resolution.

30. Mr. AMAT FORES (Cuba) said that the United States had launched direct and indirect military operations against Cuba, placed it under an economic, trade and financial embargo, spread disease among the population, encouraged illegal emigration, supported subversive activities and even attempted to assassinate Cuba's main leaders. A draft resolution presented by the United States against Cuba to the Commission had been rejected in 1998 and another had almost been rejected in 1999. To avoid further humiliation, the United States was once again using the Czech Republic; but, as had been revealed by Mrs. Albright's statement to the Commission three weeks earlier, the draft resolution's true author was the Government of the United States. To make up for the lack of influence and credibility of its cohorts, the

United States had accredited a delegation of 47 members who were exerting all manner of pressure on the representatives of other States in the halls of the Palais des Nations, and Washington was doing the same thing in the capital cities of several countries. The so-called authors of the draft had deposited it as the price of their admission to NATO and in exchange for silence on the human rights violations occurring in their countries.

31. That constituted an attack on a people that had freely chosen its mode of political, economic and social development and an attempt to justify the policy of dirty war and embargo that had been in force for over 40 years. It was a means of satisfying the far right and a criminal minority of Cuban emigrant groups in the United States, the same people who had kidnapped little Elián González, flouting international and United States law. The United States, which could not bear to see Cuba build a society in which social justice reigned, paid agents who claimed to defend human rights but in fact only defended the interests of the United States. Those interests could not countenance the fact that Cuba had an independent foreign policy and had demanded the cancellation of the foreign debt of developing countries, respect for commitments in terms of public aid for development, an end to unilateral measures of coercion, the democratization of the United Nations and international financial institutions, access for all countries to markets, technology and development, and the participation of the countries of the South in the process of globalization. Instead of criticizing Cuba, it would be better to take effective measures to redress the desperate plight of millions of human beings suffering from hunger and disease, even in developed countries like the United States. Cuba, for its part, received thousands of students from poor countries and sent many doctors and health workers to the four corners of the globe.

32. Cuba rejected the draft resolution, which breached the principles of universality, objectivity, impartiality and non-selectivity that should prevail in the Commission's deliberations. Cuba was being unfairly singled out, and the flagrant human rights violations committed in the United States against blacks, native peoples, immigrants and millions of Americans living in poverty were being ignored. The human rights of the Cuban people had been violated by successive United States governments, which had prompted invasions by mercenaries, encouraged armed groups, launched terrorist attacks and attempted to assassinate Cuban leaders, and launched biological attacks that had killed or disabled thousands of people. The United States maintained its economic, trade and financial embargo, which had very serious consequences for Cuba, even though the General Assembly had asked it to lift the embargo for eight consecutive years.

33. Cuba was proud of its human rights record and its determination to defend the revolution, to which it owed its independence, social justice and national dignity, and could therefore not approve a text that implied any unjust condemnation of its actions. The Cuban delegation appealed to the members of the Commission to reject the draft as well and asked that it be put to a roll-call vote. No matter what the outcome of the vote, Cuba considered that it had won a moral victory.

34. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that the European Union shared the concerns expressed about the human rights situation in Cuba. It deplored the systematic denial of civil and political rights and fundamental freedoms, arrests and detentions for political reasons and the repression of dissidents. It nevertheless

believed that the draft resolution should have contained a reference to the negative consequences of the economic embargo on Cuba and regretted that its proposals on that matter had not been taken into account. The European Union wished to reiterate that in its relations with Cuba it sought to encourage a process of transition to a pluralist democracy, respect for human rights and fundamental freedoms and an improvement in the living standards of the Cuban people. It was not in favour of coercive measures that increased the economic hardship of the Cuban people.

35. Mr. ZIVKOVIC (Secretariat) stated that the draft resolution under consideration would not have any financial implications.

Statements in explanation of vote before the vote

36. Mr. PARSHIKOV (Russian Federation) stated that the Russian delegation would vote against the draft resolution, which in his opinion had been dictated by political considerations and not by human rights concerns.

37. Mr. RODRIGUEZ-CEDEÑO (Venezuela) said that Venezuela had always been committed to respect for international human rights standards. The fundamental principles embodied in the relevant instruments were reflected in the Venezuelan Constitution adopted in December 1999 and in the national policy implemented by the Government. The Government therefore urged all other countries to continue to promote respect for human rights throughout the world. It nevertheless observed imbalances in the way in which such matters were handled by the Commission. Only a few countries were the object of an examination, and the various aspects of the human rights situation in those countries were not taken into account in the draft resolutions. It was especially regrettable that human rights matters had been politicized. The Commission's work should be based on cooperation, not on confrontation.

38. With regard to the draft resolution on Cuba, the Commission should encourage the Cuban Government in its efforts to implement the economic, social and cultural rights of the Cuban people in spite of the embargo placed on the country by unilateral decisions with no basis in law and which was not even mentioned in the draft resolution. In the light of those considerations, the delegation of Venezuela would vote against the draft resolution under consideration.

39. Mr. SALINAS (Chile) recalled that Chile had always been opposed to the application of unilateral decisions against Cuba and the adoption of measures affecting the decisions of third countries with regard to Cuba in the political, trade and cooperation spheres. He approved of no policy whose aim was to isolate Cuba. That being said, the isolation of the Republic of Cuba in no way justified the restrictions on the civil and political rights of the country's inhabitants, in particular their right to freedom of expression, conscience, association and assembly, nor the repression of dissidents. It was true that Cuba's situation was exceptional, as it was subjected to an economic embargo that had negative repercussions on the country's development; but it would be incorrect to think that the systems for the protection of fundamental rights should be given a lower priority than economic and social development. The Cuban people had the right to enjoy all the guarantees and all the freedoms that Cuba had undertaken to respect before the international community. The situation in that regard had further deteriorated in some respects.

For that reason, the Chilean delegation would vote in favour of the draft resolution under consideration. It nevertheless remained convinced that the adoption of the draft resolution would only serve a purpose if it was accompanied by measures aimed at assisting the Cuban Government to respect human rights.

40. Mr. QIAO Zonguai (China) stated that the Chinese delegation was absolutely opposed to draft resolution E/CN.4/2000/L.35; it had obviously been drawn up at the instigation of the United States, which bore primary responsibility for the violations of the human rights of Cubans. The Commission should applaud the efforts of the Cuban Government to preserve national unity and improve the population's standard of living and not criticize it. As a result, the Chinese delegation would vote against the draft, which was clearly motivated by political reasons peculiar to the United States, a country that did not accept the Cuban political system.

41. At the request of the representative of Cuba, a roll-call vote was held on draft resolution E/CN.4/2000/L.35.

42. The roll-call started with the United States, whose name was drawn by the Chairperson.

In favour: Argentina, Canada, Czech Republic, Chile, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Morocco, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: Bhutan, Burundi, China, Cuba, India, Indonesia, Liberia, Madagascar, Niger, Nigeria, Pakistan, Peru, Republic of the Congo, Russian Federation, Sudan, Tunisia, Venezuela, Zambia

Abstaining: Bangladesh, Botswana, Brazil, Colombia, Ecuador, Mauritius, Mexico, Nepal, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Swaziland

43. Draft resolution E/CN.4/2000/L.35 was adopted by 21 votes to 18, with 14 abstentions.

Statements in explanation of vote after the vote

44. Mr. DE ICAZA (Mexico) said that every Member State of the United Nations was obliged to respect the rights and fundamental freedoms of its citizens, including freedom of expression and freedom of the press, freedom of association, the right to participate in free, fair and periodical elections held by secret ballot, and the right to disagree with the existing regime without fear of reprisal. Mexico wanted Cuba to become part of the community of sovereign democratic nations respectful of human rights, and the application of unilateral, arbitrary and isolationist measures was not the best means of encouraging it to do so. Indeed, such measures enabled it to justify the restrictions on the fundamental freedoms of Cuban citizens. Democracy was promoted by a policy of dialogue and not condemnation or criticism, of cooperation and not isolation, of fraternity and not aggression. For that reason, the Mexican delegation had abstained in the vote on the draft resolution concerning the situation of human rights in Cuba.

45. Mr. DESPOUY (Argentina) explained that the Argentine delegation had voted in favour of the draft resolution in order to encourage the Cuban authorities to cooperate further with the international supervisory mechanisms and bodies established by the Commission to promote and protect human rights. It nevertheless regretted that the draft did not refer to the serious consequences of the embargo and of the other unilateral economic measures imposed on Cuba for many years. Argentina opposed such measures, which were detrimental to the enjoyment by the Cuban people as a whole of its economic and social rights.

Draft resolution E/CN.4/2000/L.36/Rev.1 (Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina)

46. Mr. KOH (United States of America), introducing the draft resolution, explained that it reflected the concern of many countries in the face of the serious human rights problems affecting the region considered.

47. In the previous week, over 100,000 people had gathered peacefully in Belgrade to urge early elections at all levels and an end to terrorism and violence and to the isolation the Milosevic regime had brought upon them. The draft resolution under consideration was intended to help those people and highlighted the number one problem in the former Yugoslavia: the regime of Slobodan Milosevic, its policies and its violations of human rights.

48. Having caused four wars on the territory of the former Yugoslavia, Milosevic was now focusing his repression on Serbia and Montenegro, declaring war on what remained of the independent media, the political opposition and non-governmental organizations. For example, property belonging to the independent media had been seized and destroyed. Peaceful demonstrators had been the target of harassment, intimidation and beatings, while opposition leaders had been taken to court for "verbal crimes". The situation was compounded by the manipulation of the judiciary, as a result of which Dr. Flora Brovina had been sentenced to 12 years in prison after months of illegal detention and maltreatment. An estimated 1,500 to 5,000 people removed from Kosovo after the conflict were still being detained by the Milosevic regime. The Commission on Human Rights could not remain silent in the face of those flagrant violations of human rights. The draft resolution called on the international community to support efforts aimed at achieving democracy in Serbia, in particular the organization of early elections as the most peaceful and efficient means of promoting human rights and democratic change.

49. In contrast to the Milosevic regime, Croatia had democratically elected a reform-minded Government that had already demonstrated its commitment to democratic values and human rights. It had stated that it wished to facilitate the return of refugees and had amended discriminatory legislation affecting refugee returns and reconstruction. As part of the Stability Pact, Croatia planned to speed up the process of return for those who had already applied to come back. Croatia was cooperating with the International Criminal Tribunal for the former Yugoslavia on war crimes issues. In the light of that significant change in policy, Croatia might in the following year be removed from the list of countries targeted by the draft resolution under consideration, provided, of course, that the Government continued on the path of reconciliation, reform and the return of refugees.

50. The draft resolution also recognized the positive steps taken by Montenegro to implement democratic and economic reform.

51. With regard to Kosovo, the representative of the United States recalled that the resolution adopted at the fifty-fifth session had focused on the Milosovic regime's brutal campaign of ethnic cleansing against the Kosovars and the terrible human rights violations endured by the latter. NATO had since brought the ethnic cleansing to a halt, allowing thousands of refugees to return to their homes. In the draft resolution under consideration, all groups were called upon to respect human rights and to refrain from using acts of violence for political ends. All political leaders in Kosovo had undertaken to cooperate unreservedly with UNMIK and KFOR with a view to preventing violence, strengthening the judicial system and improving security for all. The resolution also emphasized the importance of careful and thorough preparation for the local elections to be held in the autumn.

52. There had been some progress on human rights in Bosnia and Herzegovina, although certain difficulties remained that required the international communities' attention. The draft resolution condemned in the strongest possible terms the intimidation of and perpetuation of violence against minority refugees and internally displaced persons. Authorities at all levels had to help those people return to their former residences and immediately implement the decisions and recommendations of the Commission on Human Rights and the Commission for Real Property Claims.

53. The International Criminal Tribunal for the Former Yugoslavia was playing a critical role in holding accountable those who had perpetrated massive human rights violations against the people of the region. The sponsors commended the Tribunal for holding its first-ever trial on sexual violence against women, in particular in Foca. They also welcomed the attitude of the Government of Croatia, which had transferred Mladen Naletelic ("Tuta") to The Hague. The Tribunal had also begun the trial of General Krstic, the man alleged to be responsible for the execution of 7,000 men and boys in Srebrenica in 1995. Lastly, on 3 April 2000 SFOR had apprehended Momlico Krajisnik, the most senior Bosnian Serb political leader brought before the Tribunal to date. His arrest sent a clear message to the 28 individuals indicted by the Tribunal and still at large, including Milosevic, Karadzic and Mladic: there was no statute of limitations on their crimes and the time had come for them to surrender to the Tribunal.

54. The delegation for the United States therefore called on all members of the Commission to support the draft resolution on the former Yugoslavia.

55. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that New Zealand, Japan, Austria, the Former Yugoslav Republic of Macedonia and Bangladesh had joined the sponsors of the draft resolution.

56. Ms. CEK (Croatia) expressed dissatisfaction that Croatia was one of the countries targeted by the draft resolution under consideration and reiterated the Croatian position, namely that the mandate of the Special Rapporteur should be terminated for Croatia as soon as possible. The Special Rapporteur himself had proposed that, if the positive developments continued, his mandate should be changed into a human rights cooperation and assistance programme.

57. Croatia welcomed the resolution's recognition of the progress made with a view to furthering media independence, undertaking judicial reform and guaranteeing the independence of the judiciary, and facilitating the return of refugees and displaced persons. It also welcomed the draft resolution's recognition of its cooperation with the High Commissioner for Human Rights on technical cooperation and other assistance programmes. The Government of Croatia wished to be judged by its actions and not by its words. In that regard it had initiated a campaign to abolish a number of discriminatory laws dealing with property, minority rights and the media. Concerning minority rights, the Government intended to put an end not only to legal discrimination, but also to the discriminatory practices against them. The Government had also initiated a review of the law on reconstruction and of the law on the status of displaced persons and refugees and their repatriation. The joint Croatia/UNHCR project on the repatriation of 16,500 Croatian Serbs from Bosnia and Herzogovina and the Federal Republic of Yugoslavia should have a positive effect on the repatriation process throughout the region.

58. As concerned cooperation with the International Criminal Tribunal for the Former Yugoslavia, the Croatian delegation was pleased to note that the draft resolution made a clear distinction between Croatia and the other countries covered by the mandate of the Special Rapporteur. Croatia had fulfilled all the requests of the Tribunal, including requests for the extradition of persons indicted for war crimes committed on the territory of the former Yugoslavia and the transfer of documents and other materials required for investigations. Croatia's cooperation with the international tribunal did not stop there: during the previous week, the Parliament had adopted a declaration on cooperation with the International Tribunal in which Croatia affirmed its commitment to bring to justice all those who had committed war crimes or crimes against humanity on the territory of the former Yugoslavia, regardless of nationality or rank. Other measures of cooperation included government support and assistance to a team investigating, on behalf of the International Tribunal, the alleged crimes committed near the Croatian town of Gospić.

59. It was high time that the promotion and protection of human rights in Croatia be implemented exclusively through technical cooperation with the United Nations or other regional organizations, as called for in the resolution. Croatia believed that doing so would be one of the primary factors of stability in the region.

60. Mr. ZIVKOVIC (Secretariat), introducing the financial implications of draft resolution E/CN.4/2000/L.36/Rev.1 in accordance with rule 28 of the rules of procedure of the functional committees of the Economic and Social Council, said that an amount of 55,200 dollars had been set aside in the programme budget for the 2000-2001 biennium to cover the costs arising from the renewal of the Special Rapporteur's mandate under paragraph 8 of the draft resolution, i.e. two trips to Geneva, one trip to New York, three field missions and the temporary assistance of a Secretariat staff member.

Statements in explanation of vote before the vote

61. Mr LUKIYANTSEV (Russian Federation) said that the Russian delegation would vote against the draft resolution under consideration as the text was not balanced and did not reflect the true human rights situation throughout the territory of the former Yugoslavia, nor did it take account of the Special Rapporteur's conclusions on that subject. The section on Kosovo was

especially tendentious as it referred only to the Serb forces and did not mention KLA activities at all, giving rise to doubt as to the sponsors' objectivity. In addition, Kosovo was put on an equal footing with sovereign States, which was tantamount to laying open to question the territorial integrity of the Federal Republic of Yugoslavia, in defiance of Security Council resolution 1244 (1999). The Russian delegation requested a roll-call vote on the draft.

62. Mr. SALINAS (Chile) drew the Commission's attention to the specific situation of Croatia, where remarkable progress had been made in the human rights field. The country's ongoing process of democratization set an example for the other countries in the region. The Chilean delegation would vote in favour of the draft resolution but nevertheless considered that Croatia was presently out of place in the resolution and that it should not be mentioned in any future draft resolution on the situation in the region concerned.

63. Mr. LI Baodong (China) was also of the opinion that the draft resolution did not reflect the true human rights situation in the region concerned. In addition, Kosovo was presented in the resolution as a State in its own right, which constituted a breach of the territorial integrity and sovereignty of the Federal Republic of Yugoslavia, of which Kosovo was still a part. The text was too unbalanced, and the Chinese delegation would therefore abstain.

64. Mr. VOTO-BERNALES (Peru) shared the concerns expressed in the draft resolution about the humanitarian and human rights situations in the three States considered. While acknowledging that the text was not quite balanced, he would vote in favour of it, on the understanding that none of its provisions were to be interpreted as undermining or relativizing the principle of the territorial integrity of States.

65. Mrs. NASCIMBENE DE DUMONT (Argentina) said that her delegation would vote in favour of the draft resolution. With regard to the breakdown of the text, the Argentine delegation considered that Kosovo should not be the subject of a special section (in that case section 3) as that was tantamount to giving the Serbian province the same status as the Republic of Croatia, the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia, which were independent States and Members of the United Nations. She recalled that Argentina had voted in favour of Security Council resolution 1244 (1999), reaffirming the commitment of Member States to the principle of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

66. Mr. RODRIGUEZ CEDEÑO (Venezuela) stated that his delegation would vote in favour of the resolution, but pointed out that no section of the text should be interpreted as being contrary to the principle of the territorial integrity of States. The Venezuelan delegation was indeed concerned by the way in which the text had been divided, which tended to give Kosovo a similar status to that of Croatia and Bosnia and Herzegovina.

67. Mr. DE ICAZA (Mexico) stated that although his delegation would vote in favour of the draft resolution it wished to make reservations concerning certain paragraphs, in particular paragraph 6, which dealt with a question the implications of which first had to be studied in depth by the Member States themselves. In addition, he considered paragraphs 15, 16, 17 and 18 to be excessive.

68. At the request of the representative of the Russian Federation, a roll-call vote was held on the draft resolution.

69. The roll-call started with Chile, whose name was drawn by the Chairperson.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Czech Republic, El Salvador, Ecuador, France, Germany, Guatemala, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Mexico, Morocco, Niger, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Russian Federation.

Abstaining: China, Cuba, India, Madagascar, Nepal, Nigeria, Republic of the Congo, Zambia.

70. Draft resolution E/CN.4/2000/L.36/Rev.1 was adopted by 44 votes to 1, with 8 abstentions.

Statements in explanation of vote after the vote

71. Ms. KUNADI (India) explained that her delegation, although concerned by human rights violations committed against the population of Kosovo, had abstained because the presentation of the situation of Kosovo in a separate section tended to imply that the region was not a part of the territory of the Federal Republic of Yugoslavia. It believed that paragraphs 25 to 32 should have been placed in section 2, dealing with the Federal Republic of Yugoslavia.

72. Mr. BAHADIAN (Brazil) said that his delegation had voted in favour of the draft resolution because it was convinced that international pressure had to be brought to bear on those who continued to violate fundamental rights and to commit the most brutal acts in the former Yugoslavia. That being said, the Brazilian delegation believed that there had been insufficient opportunity to discuss important aspects of the resolution. For example, the Commission had taken note of the report of the Special Rapporteur, Mr. Dienstbier, in paragraph 7 and decided to renew his mandate for another year in paragraph 8, and yet when Mr. Dienstbier had presented his report to the Commission, he had expressed opinions which were at odds with the approach taken by the resolution. Such discrepancies should be avoided in the future by means of broader, more inclusive consultations.

73. In addition, greater care should be taken with the internal logic of the text. The resolution contained a separate section on Kosovo yet reaffirmed the principle of the territorial integrity of all the States in the region, in accordance with Security Council resolutions. It was worth recalling in that regard that the mandate of the Special Representative covered Kosovo

only inasmuch as it was a part of the Federal Republic of Yugoslavia. The draft resolution should not give any other impression. For that reason, the Brazilian delegation would have preferred the section on Kosovo to be included in the section on the Federal Republic of Yugoslavia.

Draft resolution E/CN.4/2000/L.52 (Situation of human rights in the Sudan)

74. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and the other co-sponsors, expressed regret that the Commission again had to address the situation of human rights in the Sudan, which remained a source of great concern. He nevertheless noted that some progress had been made and considered that that development should be encouraged.

75. In the draft resolution, the Commission noted the efforts made with a view to promoting respect for human rights and fundamental freedoms in the Sudan and the increasing cooperation of the Government of the Sudan with the United Nations human rights mechanisms. At the same time, it expressed the deep concern of the members of the Commission at the continuing serious violations of those rights and freedoms. It consequently called on all the parties to the conflict, including the Sudanese Government, to take the steps required to put an end to that situation.

76. The European Union and all the other sponsors of the draft resolution were pleased that the consultations with the Sudanese delegation had been carried out in a spirit of mutual respect and transparency. The European Union believed that the draft resolution could help strengthen cooperation between the Sudan and the United Nations mechanisms, in particular with the High Commissioner for Human Rights, and hoped that it would be adopted without a vote.

77. Mr. ZIVKOVIC (Secretariat), presenting the financial implications of the draft resolution, stated that an amount of 41,100 dollars had been set aside in the programme budget for the 2000/2001 biennium to cover the costs arising from the renewal of the Special Rapporteur's mandate under paragraph 7 of the draft resolution, namely two five-day trips to Geneva, one five-day trip to New York, one field mission and the temporary assistance of a Secretariat staff member.

Statements in explanation of vote before the vote

78. Mr. MOOSE (United States of America) said that his delegation was deeply concerned about the situation of human rights in Sudan and was disappointed that the draft resolution failed to address a number of flagrant violations. While agreeing that all parties to the conflict were responsible, the delegation nevertheless felt that the Government of the Sudan had not done enough to put a stop to certain especially serious violations.

79. In his report to the Commission, the Special Rapporteur had affirmed that he had "enough consistent and credible information to ascertain the existence of a slavery pattern in the Sudan", adding that the problem had been exacerbated by war strategies aimed at control over territory. The United States condemned that practice, which constituted a crime under international law, and believed that the resolution should reflect the Special Rapporteur's findings.

80. The United States also condemned the continued ban on humanitarian flights into southern Sudan. Since October 1999, the Government of the Sudan had banned access by air to many Operation Lifeline Sudan (OLS) sites in Western Upper Nile, while at the same time forcibly displacing thousands of people in the area. Despite the deteriorating situation, the Sudanese Government continued to ban many United Nations flights in pursuit of its war aims and regardless of the humanitarian consequences.

81. The United States strongly condemned the persecution of religious minorities in the Sudan. Although the Constitution guaranteed the right to freedom of religion, the Government was continuing to harass and detain Christians and animists and to persecute Muslims who did not adhere to its radical brand of Islam.

82. Lastly, the United States condemned the intensified bombing campaign in southern Sudan. The campaign, targeted with increasing frequency at civilian installations, had resulted in a new movement of refugees into neighbouring countries. The United States called upon the Government of the Sudan to halt immediately and unconditionally all aerial bombardment of civilian targets in the south. As a first step, it urged the Government to suspend its attacks during the Easter week celebrations, during which large crowds would probably gather.

83. Given the extent of the violations committed, the United States delegation felt that the draft resolution was deficient and therefore could not support it. It nevertheless hoped the mandate of the Special Rapporteur would be extended. For those reasons, it called for a vote on the draft resolution and announced that it would abstain.

84. Mr. IBRAHIM (Sudan) indicated that the draft resolution was the outcome of a constructive dialogue between the Portuguese delegation, acting on behalf of the European Union, and the Sudanese delegation. The latter very much appreciated the efforts made to draw up a text that could obtain a consensus. It had just been informed, however, by the representative of Portugal, acting on behalf of the European Union, that a delegation intended to call for a roll-call vote. That constituted a further attempt to politicize the work of the Commission by nourishing rancour for reasons that had nothing to do with the promotion and protection of human rights.

85. With regard to the text of the draft resolution, the Sudanese delegation, while reaffirming the Government's commitment to the promotion and protection of human rights and to addressing all genuine concerns, expressed reservations regarding the scope and magnitude of the third and fourth preambular paragraphs and the second and fourth operative paragraphs. The Sudanese Government was determined to pursue its dialogue with the High Commissioner for Human Rights, as stated in paragraph 5, with a view to strengthening the capacities of national bodies working in the field of human rights and to implement human rights projects. It hoped that the international community would respond favourably to the call made in paragraph 6 by supporting the Government's efforts to improve the human rights situation in the framework of the conflict, in particular with regard to the Committee for the Eradication of Abduction of Women and Children. It also called on the international community to put more pressure on the rebels to accept a comprehensive cease-fire and to agree to the delivery of humanitarian assistance within the context of Operation Lifeline Sudan by granting safe and unhindered access to all international agencies and all humanitarian organizations.

86. A vote having been requested, the Sudanese delegation would be obliged to abstain and asked the other delegations to do the same.

87. Mr. LI Baodong (China) said that in the light of the Sudanese delegation's statement and the need to encourage the progress made by Sudan in the field of human rights, China would abstain from the vote on the draft resolution under consideration.

88. Mr. AKRAM (Pakistan) explained that his delegation had been preparing to join the consensus, which had not seemed open to doubt. Given that there was no longer a consensus and that it had received no other instructions from its Government, it would abstain.

89. Draft resolution E/CN.4/2000/L.52 was adopted by 28 votes to none, with 24 abstentions.

Draft resolution E/CN.4/2000/L.16 (Situation of human rights in the Islamic Republic of Iran) (continued)

Statements in explanation of vote before the vote

90. Mr. LEPATAN (Philippines) said that his delegation would vote against the draft resolution under consideration, for which it did not see a need. The situation of human rights and democracy was in fact gradually improving in Iran, as witness the recent legislative elections.

91. Mr. CHOWDHURY (Bangladesh) noted that the changing situation in Iran was an opportunity to weave the country into the global value system, for the benefit of all. He had no doubt that Iran, whose rich civilization had in the past benefited all humanity, still had much to give the world. Bangladesh was convinced that Iran needed not criticism, but understanding and encouragement, and would vote against the draft resolution presented.

92. Mr. LIU Xinsheng (China), noting that in recent years Iran had taken effective measures to strengthen democracy and protect human rights, wanted the international community to enable that country to continue on the path of reform by cooperating with it. The Chinese delegation would vote against the draft resolution, for it believed that the practice of using Commission resolutions to exert pressure on States was harmful.

93. Mr. RODRIGUEZ CEDEÑO (Venezuela) would also vote against the draft resolution, which, in his opinion, did not further the ongoing process to promote respect for human rights in Iran. The Iranian Government had made serious efforts to foster positive developments, as witness the holding of legislative elections, the commitment to promote respect for legality, the progress made with regard to freedom of expression and the presence in the country of international bodies. Certain situations, such as discrimination against religious minorities, in particular the Baha'i, were, it was true, a source of concern, but sanctions were not the solution.

94. Mr. HARAGUCHI (Japan) endorsed the draft resolution under consideration, which he considered well balanced. The Commission, while welcoming the progress made with regard to human rights, expressed concern on specific issues and called upon Iran to make further improvements. The text had to be considered as an encouragement to the Iranian Government to

continue to improve the human rights situation; the Japanese delegation hoped that the day would come when the Commission would no longer need to examine the situation under item 9 of its agenda.

95. Mr. SUTOYO (Indonesia) would vote against the draft resolution, which he thought inappropriately worded given the change in the Iranian Government's position and the process of reform undertaken by Iran to establish democracy and the rule of law. Iran needed encouragement and cooperation more than it needed pressure.

96. Mr. JABER (Qatar) would also vote against the text because of the positive developments observed in Iran.

97. At the request of the representative of Pakistan, draft resolution E/CN.4/2000/L.16 was put to a roll-call vote.

98. The roll-call started with Rwanda, whose name was drawn by the Chairperson.

In favour: Brazil, Canada, Chile, Czech Republic, El Salvador, Ecuador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Mauritius, Norway, Poland, Portugal, Romania, Rwanda, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Bhutan, China, Cuba, India, Indonesia, Liberia, Morocco, Nepal, Niger, Pakistan, the Philippines, Qatar, Republic of the Congo, Russian Federation, Senegal, Sri Lanka, Sudan, Tunisia, Venezuela.

Abstaining: Argentina, Botswana, Burundi, Colombia, Madagascar, Mexico, Nigeria, Peru, Republic of Korea, Swaziland, Zambia.

99. Draft resolution E/CN.4/2000/L.16 was adopted by 22 votes to 20, with 11 abstentions.

Statements in explanation of vote after the vote

100. Mr. BAHADIAN (Brazil) said that his delegation was most encouraged by the significant strides made by Iran in strengthening democracy and promoting human rights, but remained concerned by allegations of discrimination against minorities and strongly urged the Iranian Government to cooperate fully with the Commission. His delegation expressed confidence in the consolidation of democratic renewal in Iran and hoped that the Commission would no longer need to consider the matter at its fifty-seventh session.

101. Mr. TAPIA (Chile) believed that the Commission's decision to renew the Special Representative's mandate for one year and to ask him to present a report to the General Assembly and to the Commission was fundamental in that it allowed the international community to continue monitoring developments in the situation in Iran. Serious problems remained, in particular as concerned the administration of justice, but it would be a mistake not

to acknowledge or encourage the process of reform undertaken. Chile had therefore voted in favour of the resolution, hoping to contribute thereby to the development of a culture of respect for human rights in Iran.

102. Mr. MAIYEGUN (Nigeria) explained that his delegation had abstained, considering that the concerns and demands made in the draft resolution, notably in paragraphs 3 and 4, were in the long run condemnatory in nature and could run counter to the Commission's objectives. It was convinced that Iran had understood that it must continue on the path of reform and could not remain insensitive to the universal concern for the protection of human rights.

Question of human rights in Cyprus (agenda item 9 (a))

103. The CHAIRPERSON suggested that the Commission adopt the following draft decision:

> "At its fifty-sixth meeting, on 18 April 2000, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a) entitled 'Question of human rights in Cyprus', of the item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world' and to give it due priority at its fifty-seventh session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation."

If there were no objections, he would consider that the Commission had agreed to that proposal.

104. It was so decided.

The meeting rose at 6.45 p.m.